

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 161 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?
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DASADA JUMMA MASJID AND JUNI MASJID'S TRUST

Versus

STATE OF GUJARAT

Appearance:

MR GR SHAIKH for Petitioner

CORAM : MR.JUSTICE N.N.MATHUR

Date of decision: 28/08/97

ORAL JUDGEMENT

Rule. Mr P G Desai, Learned GP waives service of Rule for the respondents.

The contention of the petitioner is that the Gujarat Revenue Tribunal has rejected his application only on the ground that the controversy with respect to the surplus land has been concluded by the decision of this Court and the appeal against which has been rejected

by the Supreme Court without noticing the contention that the petitioner was not given notice for the selection of the land. The learned counsel placed reliance on a decision in the case of KASHIBEN v. STATE OF GUJARAT, reported in 12 GLR 540. I have gone through the said authority. Section 20 (2)(b) of the Gujarat Agricultural Ceiling Act provides for notice to call upon the parties to select a piece or pieces of land which he wishes to select.

2. In view of the aforesaid, this Special Civil Application is allowed. The petitioner shall appear before the Mamlatdar, Dasda, Taluka Dasda, District Surendranagar, who will give him an opportunity for selection of the piece of land. The enquiry will be held in accordance with law by the appropriate authority which is said to be the Mamlatdar.

Rule made absolute to the aforesaid extent.

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msp.